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VIA ELECTRONIC FILING

The Honorable Karen Gren Scholer
U.S. District Court for the Northern District of Texas
1100 Commerce Street, Room 1654
Dallas, TX 75242

Re: *Rover Pipeline, LLC, et al. v. Federal Energy Regulatory Commission, et al.*, No. 3:22-cv-00232

Dear Judge Scholer:

On September 13, 2023, this Court stayed the above-captioned case “pending resolution of *Securities and Exchange Commission v. Jarkesy*, Case No. 22-859, in the Supreme Court of the United States” and “administratively closed” it “without prejudice to it being reopened upon a motion by any party or to enter a judgment.” *See* Dkt. 52 (Order).

We write on behalf of Plaintiffs to inform the Court that, on June 27, 2024, the United States Supreme Court issued its decision in *Securities and Exchange Commission v. Jarkesy*, No. 22-859, ___ S.Ct. ___, 2024 WL 3187811 (2024) (“*Jarkesy*”). The Supreme Court affirmed the Fifth Circuit’s ruling on the Seventh Amendment, holding that “[a] defendant facing a fraud suit has the right to be tried by a jury of his peers before a neutral adjudicator” rather than through an in-house agency proceeding. *Jarkesy*, Slip Op. at 27. Further, where, as here, the agency seeks civil penalties, “the remedy is all but dispositive.” *Id.*, Slip Op. at 9. The Supreme Court did not reach or disturb the Fifth Circuit’s judgment with respect to the separate issues of nondelegation or administrative law judge removal. *Id.*, Slip Op. at 7.

The dissent emphasized that *Jarkesy*’s Seventh Amendment holding will apply to “more than two dozen agencies” including “the Federal Energy Regulatory Commission”—the defendant in this proceeding. *Jarkesy* Dissent, Slip Op. at 34-35.

Respectfully,

A handwritten signature in blue ink that reads "William Scherman".

Bill Scherman

*Attorney for Plaintiffs Rover Pipeline, LLC and
Energy Transfer, LP*

Cc: All counsel by ECF